

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CIRO DEANGELIS

Plaintiff,

Case No.: 11-CV-02626
(KAM)(MDG)

-against-

MAJOR CHEVROLET, INC. and FF CREDIT
CORPORATION, INC.

Defendant.
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**ANSWER OF MAJOR CHEVROLET, INC.
WITH AFFIRMATIVE DEFENSES**

Defendant Major Chevrolet, Inc. (the “Defendant”), by and through their counsel, The Law Offices of Michael G. Mc Auliffe, Esq., as and for their Answer to the Plaintiff’s Complaint, respectfully set forth and represent as follows:

1. Denies the allegations contained in paragraphs 15, 17, 18, 19, 28, 30, 33, 34, 38, 39, 40, 41, 44, 45, 46, 48, 52, 53, 59, 60, 61, 63, 68, 69, 72, 75, 77, 84, 91, 92, 93, 94, 96, 98, 101, 103, 104, 105, 106, and the “Wherefore Clause” of the Complaint.
2. Denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 20, 21, 22, 23, 24, 25, 26, 27, 36, 37, 42, 49, 51, 62, 64, 65, 66, 67, 70, 71, 73, 76, 81, 82, 83, 88, 90, 97, 102, 109, 110, 112, 113, 114, 115 and 116 of the Complaint.
3. Admits the allegations contained in paragraph 6 and 87 of the Complaint.
4. Defendant repeats and reiterates the responses to the allegations set forth and referenced in paragraphs 29, 54, 78, 85, 95, 99, and 107 of the Complaint herein.

5. With regard to the allegations set forth in paragraphs 31, 32, 50, 55, 56, 74, 79, 80, 86, 89, 100 and 108 . of the Complaint, Defendant submits that said paragraphs call for a legal conclusion and refer all matters of law and legal interpretation to the Court. Defendant denies knowledge and information sufficient to form a belief as to all other allegations set forth therein.

6. With regard to the allegations set forth in paragraphs 14, 35, 43 and 111 of the Complaint, Defendant submits that said documents speak for themselves and accordingly, refers all matters of law and legal interpretation to the Court. To the extent that a response is required, Defendant denies knowledge and information sufficient to form a belief as to the allegations set forth therein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

7. The causes of action set forth in the Complaint fail to state a claim upon which relief may be granted.

8. By virtue of the foregoing, the Complaint should be dismissed, with prejudice.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. The Plaintiff's causes of action are not supported by the documentary evidence.

10. By virtue of the foregoing, the Complaint should be dismissed.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

11. If the Plaintiff has incurred any damages herein, it is as a result of their own culpable conduct, and not that of the Defendants

12. By virtue of the foregoing, the Complaint should be dismissed.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

13. The Plaintiff has failed to take appropriate steps to mitigate its damages.

14. By virtue of the foregoing, the Complaint should be dismissed .

AS AND FOR A FIFTH CAUSE OF ACTION

15. This Court lacks subject matter jurisdiction of the claims set forth in the Complaint.

16. By virtue of the foregoing, the Complaint should be dismissed.

AS AND FOR A SIXTH CAUSE OF ACTION

17. Plaintiff is barred from recovery under the doctrine of Satisfaction and Accord.

18. By virtue of the foregoing, the Complaint should be dismissed.

WHEREFORE, Defendant Major Chevrolet, Inc., demands judgment dismissing the Complaint herein in its entirety, together with such other, further and different relief as this Court deems just and proper.

Dated: Melville, New York
August 5, 2011

Law Offices of Michael G. Mc Auliffe, Esq.
Counsel to Defendant, Major Chevrolet, Inc.

By: /s/ Michael G. Mc Auliffe
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